

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

v.

(1) BRANDON CHARLES
THOMAS,
Defendant

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No. 1:23-CR-00152-DII

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, in particular, Thomas's unlawful possession of a firearm, which at the time of his arrest, was found loaded with a round in the chamber;
- the weight of the evidence against the person, in particular, that Thomas had previously been convicted of a felony and was in possession of a firearm at the time of his arrest;
- the history and characteristics of the person, including—his lack of recent legitimate employment; evidence of his participation in drug dealing (particularly, crack cocaine); his criminal history, including assault and gun-related charges; evidence of his gang affiliation; a history of drug abuse and non-compliance with drug-testing conditions (and other conditions of

release); his commission of offenses, including the one charged here, while on bond for another charge; and

- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, including, as noted above, his repeated gun-related offenses, assaults, gang affiliation, and drug dealing.

This record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED September 14, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE